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THE TRIAL AND DEATH OF HENRY WIRZ WITH OTHER MATTERS PERTAINING THERETO.

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DEDICATION.

To the members of the Ladies' Memorial Association and to the Daughters of the Confederacy, who have been so long the devoted guardians of the honor of the South and of the ashes of her dead, this pamphlet is dedicated, in the hope of aiding them to preserve the true facts relating to the martyred Wirz—a stranger in our land—who cast in his lot with us, served the Confederate Government faithfully, and paid for his fidelity with his life.

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INTRODUCTION.

In the fall of 1865, several months after the overthrow of the Confederacy, there took place in Washington City two judicial murders, which will ever stain the annals of the conquering States—that of Mrs. Surratt, hung for complicity in the assassination of Lincoln, and that of Henry Wirz, also done to death, after a mockery of a trial, for alleged ill treatment of prisoners under his care at Andersonville.

The innocence of Mrs. Surratt has been fully shown in the account of her trial, written by her lawyer, the Honorable Reverdy Johnson, of Maryland; but the facts in regard to Wirz are not generally known.

Captain Wirz was a physician by profession, and a man of education and of high character, a native of Switzerland, who came to this country about the year 1849 and settled in the South. On the breaking out of the war he enlisted at once, fought bravely until incapacitated for field duty by a wound, and served the Confederacy faithfully until the end of the war, filling satisfactorily those positions of trust to which his character and efficiency caused him to be appointed.

On the fall of the Confederacy, although he was a paroled prisoner of war, having been included in the terms of Johnston's surrender, he was arrested and, after an imprisonment of three months, he was tried by court-martial on the charge of conspiring with Jefferson Davis and other Confederate leaders to torture and murder the helpless prisoners at Andersonville, and was convicted and hanged.

When in the shadow of death Captain Wirz was offered life and liberty if he would implicate President Davis in the alleged atrocities at Andersonville. As the charge was false, he preferred death, and died pleading that his name might be rescued from infamy. The highest officers of the Confederacy were indicted with him; and, not only to rescue his name from unmerited obloquy, but to dispel any cloud on their fair fame, the true facts should be borne in perpetual remembrance.

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In the absence of correct information, thousands of the younger generation, misled by the "horrors of Andersonville," vaguely fear that the management of affairs there was a foul blot on the escutcheon of the South. We believe that the time has come for a dispassionate review of all the circumstances and for an accurate presentation of the facts, which will relieve the character of Wirz of every aspersion; and this, not in malice nor with a desire to revive past bitterness, but in the interest of fairness, truth and justice.

The South has nothing to reproach herself with in regard to the action of the Confederate authorities towards unfortunate prisoners. She clamored for an exchange of prisoners without avail. Deprived of medicines through the policy of the Federal Government, and with but a scant supply of provisions and clothing, her ports blockaded and her resources exhausted, the prison records of the South were better than those of the North. The death rate in Southern prisons was less than nine per cent.; that in Northern prisons was twelve per cent. And, great as was the mortality at Andersonville, it was four per cent. less than at the Federal prison of Rock Island, Illinois, notwithstanding the fact that the Northern authorities had abundant means of alleviating the sufferings of those brave men who had surrendered to their humanity.

There is nothing new in this history. It is a compilation of long-known and well-proven facts, taken from the statements of those who were with Wirz at Andersonville, and more especially from the accurate account of Andersonville prison by Dr. R. R. Stephenson, physician in charge of that prison.

S. W. A.

RALEIGH, N. C., April, 1908.

ANDERSONVILLE.

In the spring of 1864 the Confederate Government, being overburdened with prisoners, established a military station at Andersonville, Georgia, for their confinement.

Gen. John H. Winder was at that time commander of all the military prisons in the South, having been selected for that post on account of his soldierly qualities and sterling integrity, but, above all, on account of the kindness and consideration shown by him to the prisoners in his charge at Richmond. His son, Maj. W. S. Winder, was sent to Georgia with orders to select a healthy place, far from the contending armies, appropriate for a large camp, where prisoners might be safely held. After mature deliberation, Andersonville, the county seat of Sumter County, Georgia, sixty miles from Macon and ten miles from Americus, was selected as the best site for the purpose. It is in southern Georgia. The country around is rolling and hilly and thickly covered with long-leaf pines, oaks, chinquapins and other shade trees. The water is abundant and pure. It lies in the heart of a region since become famous as a health resort for consumptives.*

The height of the locality, the mildness of the climate, the abundance of wood and, above all, the plentiful supply of pure water and absence of all malarial conditions, made the spot seem the best possible site for the proposed camp; and, by order of Gen. Howell Cobb, commanding in Georgia, a large force of negroes was set to work at once to clear the land.

At first twenty and afterwards thirty acres of this rolling land, in shape of an oblong square, and intended for the reception of about 10,000 inmates, were cleared and enclosed by an outer and inner stockade, fifteen and twenty feet in height. Through the middle of the enclosure ran a large stream of water, from both banks of which the ground swept

*On this spot has recently been built, chiefly by Northern and Western settlers, the town of Fitzgerald, where many families of Northern soldiers have from choice made their homes.

upwards toward the hills. The velocity of this water was increased by narrowing its channel by artificial banks, and the stream within the stockade was completely covered. The camp was laid off regularly in streets, running at right angles to each other. Many wells were dug. Sheds and temporary shelters of planks were erected, and, as far as means permitted, every provision that human forethought could suggest was made for the health of the prisoners.

As in many prisons, North and South, inside the stockade was a dead line, or barrier, beyond which no prisoner was permitted to go. At Andersonville this was no imaginary line, liable to be crossed by mistake, but a fence five feet high, about which no mistake could be made, and, on account of the limited number of guards, it was a most necessary means of preventing escape.

On March 1, 1864, the first installment of prisoners arrived, being a body of foreigners, 800 in all. Others followed rapidly, sometimes thousands arriving at a time, having been taken in the battles and skirmishes then occurring daily in Georgia. By the first of May 10,000 had been received, the maximum number for which the station had been prepared; and, although the stockade was enlarged, it was still insufficient in size to accommodate the numbers sent. To this congested condition of the camp, as well as to the lack of cleanliness of many of the prisoners, was due much of the sickness and death which followed. Everything possible was done to alleviate the sufferings inseparable from this overcrowded state.

The law requiring prisoners and guards in all Southern prisons to fare, in food, alike was rigidly observed, the rations issued daily being the same in quantity and quality as those issued to our soldiers in the field. They consisted principally of corn meal and beef or bacon, the only food obtainable at the South at that time. The cook house was placed outside the stockade, and paroled prisoners were detailed to cook for their comrades.

The lack of lumber mills near enough to be of service, the lack of means for transporting wood, and, above all, the lack of sufficient men to guard the great number of inmates, began to be seriously felt. Paroled prisoners were entrusted with the work of hauling fuel and nursing the sick. This resulted disastrously. They broke their paroles shamelessly and stole the food, retailing it at enormous prices to those to whom it rightfully belonged.

The overcrowding, the heat of a Southern summer, and the use of corn meal to those unaccustomed to that food, all contributed to produce disease. Diarrhœa broke out, and, notwithstanding the precautions taken, increased rapidly. The lack of proper medicines made it impossible to treat this successfully, the simple medicines prepared from our native herbs proving ineffectual, and, weakened by this disease, the sufferers fell easy victims to more serious troubles. About the middle of May camp gangrene and scurvy made their appearance. These diseases, common among soldiers, attacked guards and prisoners alike; nor were the officers outside the stockade exempt, Wirz, Winder, Colonel Gibbs and Dr. Stephenson being sufferers from gangrene.

All that humanity could suggest was done. Wheat, sugar, coffee, and other luxuries, when obtainable, were provided for the use of the sick, and some of the prisoners were billeted on the families near Andersonville, where they would be in less danger of contagion.

The Confederate War Department took steps for a thorough inspection of the camp. In the latter part of April, 1864, Gen. Braxton Bragg, then commanding the Department of Richmond, was ordered to make an inspection and report the result to the War Department. On the 13th of June, 1864, by order of General Bragg, Col. W. M. Hammond went to Andersonville and made an examination of the conditions there, in company of Captain Wirz and Dr. Isaiah H. White, and has written a most interesting account of the place and of Wirz.

On the 17th of June General Winder himself came to Andersonville, and it was decided to break up the prison camp there and to remove all well prisoners to other places, using Andersonville thereafter only as a hospital camp. It was no light task to remove a community of 35,000 men, but preparations for removal were begun at once.

After making such arrangements as were possible for the health and comfort of those left behind, General Winder, with the main body of prisoners, removed first to Millen, Georgia, and afterwards to Florence, South Carolina, where barracks and other necessary conveniences had been hurriedly built for their accommodation; and by September none were left in Andersonville but the sick and their attendants.

In charge of this hospital was Dr. R. R. Stephenson, surgeon in chief, with a staff of thirty assistants. Colonel Gibbs was commandant of the post, and Capt. Henry Wirz had charge of the prison proper.

At the time of this change the virulence of the disease had already begun to abate. The mortality had been greatest during the month of August, during which month 3,000, nearly ten per cent. of all in the prison at that time, died; but from that time the death rate steadily decreased. The course of affairs thereafter may be learned from a letter written by General Imboden about two years after the trial of Wirz.

EXTRACTS FROM A LETTER OF GENERAL IMBODEN TO GENERAL MAURY.

In the fall of 1864 General Imboden was appointed Inspector of Prisons west of the Savannah River, and made a personal inspection of Andersonville prison. He says he was led to make the inspection by the report of Colonel Bondurant, who had been sent by him to make an examination of affairs at that prison, and on written applications from Wirz, suggesting measures for the amelioration of the condition of the prisoners there, which were strongly approved by Colonel

Gibbs, an old United States Army officer, a cultivated, humane and urbane gentleman, in command of the post.

At that time there were 7,500 prisoners at Andersonville, and the guard consisted of the First Brigade of Georgia troops, under Brigadier-General Gartrell. The prison proper was under the command of Captain Wirz. The commandant of the whole post was Colonel Gibbs.

General Imboden found the condition of the prison and of its inmates not so bad as had been represented by some critics, but unfortunately bad. He continues: "Before my arrival, Captain Wirz had called attention to the great deficiency of shelter, and had asked authority to supply it. He had made a similar application to General Winder before his death." He "found the prisoners badly off for clothing, shoes, etc., and that there was no clothing to give them. Many of our guards on duty were in rags and were barefoot, and in lieu of overcoats many had to protect themselves with a tattered blanket drawn over their shoulders. * * * Our medical officers gave equal attention to guards and prisoners alike. They suffered greatly for want of medicines. For this cause, and this alone, many thousands died at Andersonville who would be alive to-day if the United States Government had not declared medicines contraband of war.

"I investigated particularly the food question and found that no discrimination was made in the issue of rations to guards and prisoners alike. In quantity, quality and kind, the daily supply was the same—one-third to one-half pound of meat per day, and one pint to one pint and a half of corn meal, and occasionally wheat, flour and potatoes.

"General Lee's army fared no better. The food was sound and wholesome, but meager in quantity, and not such in kind as the Federal soldiers were accustomed to. * * * Great scoundrelism was detected among them.

"They were organized in companies of a hundred each within the stockade, and certain men of their own selection were permitted to come outside the stockade and draw the

rations for their fellows and cook them. Many of these rascals would secrete part of these rations and, as opportunity offered, sell it at exorbitant rates to their comrades.

"Shortly before I went to Andersonville six of these villains were detected, and, by permission of the prison authorities, the prisoners organized a court of their own, tried them for the offense, found them guilty, and hung them. This event led to a change in the mode of issuing rations, which precluded the possibility of such a diabolical traffic in stolen food. * * * Some time before that, President Davis had permitted three of the Andersonville prisoners to go to try to change the determination of their government and procure a resumption of exchanges. The prisoners knew of the failure of this mission, and the effect was to plunge the great majority of them into the deepest melancholy, homesickness and despondency. * * * I have before alluded to Captain Wirz's recommendation to put up more shelter. I ordered it done, and henceforth, daily, a hundred or more prisoners were paroled and set to work in the neighboring forest. In the course of a fortnight sufficient comfortable log houses were erected, with floors and good chimneys, for which the prisoners made and burned the brick, for 1,200 or 1,500 men. This same man, Captain Wirz, who was tried and hung for murder, also warmly urged the establishment of a tannery and shoe factory, informing me that there were many among the prisoners skilled in these trades. * * * I ordered this, too, and soon many of the barefooted prisoners were supplied with rough but comfortable shoes. One of these workmen made and sent me a pair that surprised me, both by the quality of the leather and the style of the shoe. Another suggestion, that came from the medical staff of the post, I ordered to be put at once into practice. It was to brew corn beer for those suffering from scorbutic taint. In a few days a sharp acid beverage was produced, by no means unpalatable, and very wholesome. Captain Wirz entered warmly into this enterprise. I mention these facts to show that he was

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not the monster he was represented to be when his blood was called for by infuriated fanaticism.

"I would have proved these facts if I had been permitted to testify on his trial after I had been summoned before the court by the United States, and would have substantiated them by the records of the prison and those at my own headquarters if those records had not been destroyed or suppressed at the time. But, after having been kept in the court room an hour, during an earnest and whispered conversation between the President of the Court and the Judge Advocate, and their examination of a great mass of papers, the contents of which I could not see, I was politely dismissed, without examination, and told I would be called another time; but I never was. And thus Wirz was deprived of the benefit of my evidence. My personal acquaintance with Captain Wirz was slight, but the facts alluded to convinced me that he was a humane man, and was selected as a victim to the bloody Molech of 1865 because he was a foreigner and comparatively friendless. I put these facts on record now to vindicate, as far as they go, his memory from the monstrous crimes falsely charged against him. No such charges ever reached me, while I was in a position to have made it my duty to investigate them, as those upon which he was tried and executed."

As the war proceeded and the death struggle of the Confederacy grew more tense, the difficulty of holding and caring for the prisoners at Andersonville became, of course, much greater, and it became evident that they must be removed.

Communication with Richmond being cut off, General Imboden held at Macon a conference with General Pillow, the newly-appointed Commissary of Prisons, and, therefore, his superior officer, and with General Cobb, commander of the Georgia troops, from whom he hoped to obtain sufficient force to guard the prisoners under his charge. He adds, concerning the situation during these last weeks: "The difficulty of supplying the prisoners with even a scanty ration of corn meal

was increasing daily. The cotton States had never been a grazing country, and we had few or no animals left, therefore, for food, except hogs. These States were not a wheat-producing region, and we had to depend mainly on corn meal for bread. Salt was scarce and hard to obtain. Vegetables we had none for army purposes. We were destitute of clothing and of the materials and machinery to manufacture it in sufficient quantities for our own soldiers and people; and, the Federal Government remaining deaf to all appeals for exchange of prisoners, we decided that the best thing that could be done was to make arrangements to send off all the prisoners we had to the nearest accessible Federal post, and, having paroled them not to bear arms until regularly exchanged, to deliver them unconditionally, simply taking a receipt on descriptive rolls of those turned over."

General Sherman having destroyed all railroad communication with Savannah and at the west, the only available outlet was at St. Augustine, Florida. And General Imboden continues: "It was resolved to open communication with the Federal commander at that place. With this view, about the middle of March, Captain Rutherford, an intelligent and energetic officer, was sent to St. Augustine. A few days after his departure he telegraphed: 'Send on the prisoners.' He had, as subsequently reported, arranged with the Federal authorities to receive them. Three days' cooked rations were prepared, and at once all were ordered to be sent forward who could bear the journey. All but twelve or fifteen men reported themselves able to go, and did go. The number sent was 6,000. To my amazement, the Federal commandant at St. Augustine refused to receive or receipt for the prisoners until he could hear from General Grant, at Petersburg, with whom he could communicate only by sea, along the coast. Knowing that two or three weeks must elapse before hearing from Grant, and it being impossible to subsist our men and prisoners, I could pursue but one course. I ordered their return to Andersonville, directing that the reason for this unexpected

result be fully explained to them. In a few days all were back in their old quarters. Their indignation against their government was intense, many declaring their readiness to renounce allegiance to it and take up arms with us.

"The old routine was resumed at Andersonville, but it was not destined to continue long. Before any communication was received from St. Augustine, I learned that General Wilson, with a large body of cavalry, was approaching Georgia from the west. It was evident that his first objective point was Andersonville. Finding that we were powerless to prevent Wilson's reaching Andersonville, where he would release the prisoners and capture our officers and troops, it was decided without hesitation to send the prisoners again to Jacksonville and to turn them loose to make their way to their friends in St. Augustine. In a few days the post at Andersonville was broken up, and in a short time the surrender of Johnston, embracing all that section of the country, occurred. The Confederate prisons ceased to exist. On the 3d of May I was myself a prisoner of war. A few days later I was sent to Hilton Head, South Carolina, where I met about 2,000 Andersonville prisoners. Many of them were glad to see me. And four days afterwards I embarked with several hundred of them in the steamer *Thetis* for Fortress Monroe, and have reason to believe that every man of them felt himself my friend rather than my enemy. * * *

"The real cause of all the protracted suffering of the prisoners, North and South, is due directly to the inhuman refusal of the Federal Government to exchange prisoners—a policy carried so far as to induce a commanding officer not to receive or to acknowledge that he had received 6,000 men of his own side, tendered him unconditionally, from that prison in the South which, above all others, they charged to have been the scene of unusual suffering, although he and his countrymen affected to believe they were there being slowly starved to death. * * *

"In the absence of all my official papers relating to these

subjects (which were, I presume, taken to Washington after I surrendered them, and are there still, unless it was deemed policy to destroy them when Captain Wirz was on trial), I have not been able to go into minute details that might add interest to this statement, but nothing to the leading fact, that the United States refused an unconditional surrender of its own men, inmates of that prison (Andersonville) which they professed to regard as a Confederate slaughter pen and place of intentional, diabolical cruelties, inflicted on the sick and helpless. Was this course not a policy of deception for firing the Northern heart? Impartial history will one day investigate and answer this question. And there we may safely leave it with a simple record of facts.

"Very truly, your friend,

"J. D. Imboden."*

To summarize these facts:

This mortality was deplored by all concerned, but was unfortunately unpreventable. The reasons for it are apparent and may be stated in two words—the condition of the South and the war policy of the North.

The South lay in a state of siege, with every avenue to the outside world barred against her. She was a cotton-growing country and had never produced meat or wheat enough to feed her people. What she had to give was given to her soldiers, her prisoners and her guards alike. That bread was not lacking is shown by the fact that it was often thrown away; but it was unpalatable to men who had never used corn meal in any form before, and diarrhœa, the usual result of its use by those unaccustomed to it, was produced. This disease, hard to arrest at best, became unmanageable for want of proper remedies. This need forced the authorities to rely on the prisoners for cooking and for nursing.

Every inspector testified to the healthiness of the locality, and the absence of any malaria and typhoid fever is sufficient

*"Andersonville Prison," by R. R. Stephenson, p. 455.

proof of that fact. The principal causes of death were scurvy, diarrhœa and prison gangrene. To cope with these diseases medicines were necessary, and the Union Government had made medicines contraband of war. Medical stores, even when the private property of physicians, were destroyed in conquered sections, and persons attempting to send medicines South were arrested and cast into prison, and we pleaded in vain to be permitted to buy them with gold or cotton.

Prisoners were placed in Andersonville in the spring of 1864; that summer disease broke out, and in September those well enough to travel were removed, leaving only the sick at that place.

The Confederate authorities now renewed their efforts to effect an exchange as the only means left for the alleviation of the suffering of these prisoners. No method was left untried to induce the Federals to accede to an exchange. Commissioners were sent; some of the prisoners themselves were sent to plead their own cause; and at last the whole body of men at Andersonville was offered without any equivalent, and they were delivered to the Federal commander in Florida, who declined to receive them, and so they had to be brought back to their prison camp.

The Southern people, from the first, desired an exchange of prisoners, and, while the officials at Washington, during the first year, declined to treat with "rebels," exchanges were effected by the commanding officers. However, in 1862, a cartel was agreed upon, by which all prisoners were to be immediately exchanged, man for man, and the excess on either side were to be paroled. Had this been continued, there would not have been a prison camp of any size, nor any prisoners, either North or South. Until the battle of Gettysburg the Confederates had the majority of prisoners, and exchanges were effected as fast as transportation could be furnished, but after that battle the Federals had a majority, and refused to abide by the cartel paroling the surplus of prisoners.

In January, 1864, Commissioner Robert Ould proposed that each government should send its own surgeons to care for its own men, and that these surgeons should distribute such money, food and clothing as might be provided for them. No notice was taken of this proposition. A year later—January, 1865—the proposition was renewed, but again the Federal Government took no notice of it.

In the summer of 1864 disease made its appearance at Andersonville, and, reports of the same having been made to Secretary Seddon, Commissioner Ould was directed to go to the Federal commissioner and communicate the facts and urge the exchange of these prisoners and to offer to buy medicines from the Federal authorities exclusively for their use, making offer to pay cotton, gold or tobacco for them, and even two or three times the prices for them, if desired, agreeing also that these might be brought into the prisons by the United States surgeons themselves and distributed by them.

Failing in this, General Ould offered to deliver without any equivalent at the mouth of the Savannah River from ten to fifteen thousand sick and wounded prisoners, if the Federal Government would send vessels to receive them, and he urged the disease at Andersonville as a reason for haste; and in August, 1864, the prisoners at Andersonville memorialized the Federal Government, praying to be exchanged. It was not until December that the Federal Government sent the vessels, and as at that time enough sick and wounded could not be collected at Savannah at once for all the vessels sent, 5,000 well men were added to make up the deficiency.

In the meantime some of the prisoners at Andersonville had been sent to Washington to plead their own cause. It was of no avail. President Lincoln refused to see them, and they were made to understand that the interest of the Government required that they should return to prison and remain there.

The fate of the 13,000 dead that lie at Andersonville is to be attributed directly to this inhuman policy of their own Government.

At the end of the war the feeling of the Northern people was most intense against President Davis, who was charged with having procured the assassination of President Lincoln, and also because of the sufferings of the prisoners at Andersonville and elsewhere, which the Federal authorities, in order to relieve themselves from blame, attributed to a diabolical purpose on the part of the Confederates to torture and destroy the Federal prisoners. On the death of Lincoln, President Davis and other Confederate officers were captured, and the officer in charge of Andersonville, Captain Wirz, was arrested, separated from his wife and children, whom he never saw again, and carried to Washington, charged with conspiracy and murder.

A BRIEF ACCOUNT OF HENRY WIRZ, WRITTEN BY R. R. STEPHENSON, THE SURGEON AT ANDERSONVILLE.

"Henry Wirz was a physician by profession, and was born in Zurich, Switzerland, in 1822. He emigrated to America in 1849, and first settled in Louisville, Kentucky, removing subsequently to Louisiana, where he practiced his profession until the beginning of the war between the States. When the war broke out he was one of the first to enlist in the Southern cause. He served as a private in the memorable battle of Manassas, where he received a wound in the arm, injuring the bone, from which he suffered up to the day of his execution. After leaving the hospital in Richmond he was placed as a clerk in Libby Prison. Afterwards he was commissioned as captain in the Confederate Army, and was appointed deputy marshal, and in 1862 he visited all the prisons in the South as inspecting officer.

"In the latter part of 1863 he was sent by President Davis to carry secret dispatches to the Confederate Commissioners—Mr. Mason in England and Mr. Slidell in France—and to all the financial agents of the Confederate Government in Europe.

"On his return, in January, 1864, he was assigned to duty

under Brig.-Gen. John H. Winder, who, on April 4, 1864, placed him as superintendent of the Confederate States military prison at Andersonville, Georgia, where he was still on duty at the close of the war.

"In direct violation of the terms of the surrender made between Generals Sherman and Johnston, he was arrested by Captain Noyes, under orders from Wilson, and sent to Macon, Georgia. From there he was shortly afterwards sent to Washington City and there confined in the Old Capitol Prison.

"After several months spent in getting witnesses ready, making up the charges and arranging all the machinery of a grand tribunal, whose duty, it seemed, was to sit in judgment on the fallen South, Wirz was arraigned on two charges—conspiracy and murder.

"The following orders were issued August 23, 1865, in the place of the first, of August 22d, which included, as coconspirators with Wirz, Gen. Robert E. Lee, ex-President Jefferson Davis, James A. Seddon, and others whose names were stricken off the list in the second indictment. All these names, with the exception of that of General Lee, were replaced in the findings of the court. R. R. Stephenson."

SPECIAL ORDER No. 453.

War Department,

Adjutant-General's Office,

Washington, August 23, 1865.

A special military commission is hereby appointed, to meet in this city at 11 o'clock A. M. on the 23d day of August, 1865, or as soon thereafter as practicable, for the trial of Henry Wirz and such other prisoners as may be brought before it.

DETAIL FOR COMMISSION.

Maj.-Gen. L. Wallace, U. S. Volunteers.
Brevet Maj.-Gen. G. Mott, U. S. Volunteers.
Brevet Brig.-Gen. John T. Ballier, Colonel Ninety-eighth Volunteers.

Brig.-Gen. Francis Fessenden, U. S. Volunteers.
Brevet Brig.-Gen. G. W. Geary, U. S. Volunteers.
Brevet Gen. L. Thomas, Adjutant-General U. S. A.
Brig.-Gen. E. S. Bragg, U. S. Volunteers.
Brevet Col. T. Allcock, Lieutenant-Colonel Fourth New York Volunteers.
Lieut.-Col. I. H. Stibbs, Twelfth Iowa Volunteers.
The commission will sit without regard to hours.

By Order of the President of the United States.

This special order of August 23d was preceded by Special Order No. 524, of August 22d; and before the military commission thus convened, in violation of the Constitution, which requires that every man held for a capital offense be tried before a jury and after presentment by a grand jury, Henry Wirz was tried on the charge as specified in the first Special Order, No. 524, of having conspired with Robert E. Lee, Jefferson Davis, James A. Seddon, Howell Cobb, John H. Winder and others, to torture, injure and murder the Federal prisoners held by the Confederates at Andersonville, Georgia. He was accused, under thirteen separate specifications, of shooting the prisoners, punishing them cruelly in irons and stocks, of poisoning them with impure vaccine matter, of pursuing them with bloodhounds, of using a dead line, of furnishing insufficient food and impure water, and of murdering, in cold blood and with his own hand, thirteen of these helpless men.

The first charge being conspiracy, as stated, the specifications of murder alleged in the second charge were as follows: Four (namely, the first, third, fourth and thirteenth) charged that "said Henry Wirz, an officer in the military service of the so-called Confederate States, had feloniously and of malice aforethought, with a pistol called a revolver, in his own hands, caused the death of a United States soldier in his custody, whose name was unknown."

The second specification charged that said Henry Wirz did kick and bruise and injure with his heels a United States soldier in his custody, maliciously and murderously, so that said

soldier, whose name was unknown, did in consequence thereof die.

The fifth and sixth charged that said Wirz did confine and bind in an instrument of torture, called the stocks, a Union soldier, name unknown, in consequence of which cruel treatment, maliciously inflicted, said soldier did die.

The seventh charged that he did fasten and chain together certain Union prisoners in his custody, forcing them to carry heavy burdens, to-wit, large iron balls, by which cruel treatment he caused the death of a Union soldier, name unknown.

The eighth, ninth, tenth and twelfth charged that said Henry Wirz did order a rebel soldier on duty as guard to fire upon a Union prisoner, name unknown, and thereby caused his death.

The eleventh charged that said Henry Wirz did cause, incite and urge certain ferocious and bloodthirsty animals, called bloodhounds, to pursue, attack and wound and tear in pieces a Union soldier, name unknown, in consequence of which cruel treatment, etc., he died.

In answer to these charges Wirz put in pleas to the effect that he had been paroled by General Wilson; that he denied the jurisdiction of the court to try him; that, war being over and civil law restored, there was no military law under which he could be tried. He moved to quash the charges, for vagueness as to time, place and manner of offense; that he had been put on trial on August 21st, and that the court had been adjourned without his agency or consent, and that he should not be arraigned as before; and, finally, he claimed discharge, because, as an officer in the Confederate Army, he was entitled to the terms agreed to between Generals Sherman and Johnston upon the surrender of the latter.

All these pleas being overruled except the second, the prisoner pleaded not guilty, and the trial proceeded until November 4, 1865, when, Wirz having been found guilty on all the specifications but three, the following order was issued:

GENERAL COURT-MARTIAL—ORDER No. 607.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
WASHINGTON, D. C., Nov. 6, 1865.

Before a military commission which convened at Washington, D. C., August 23, 1865, pursuant to paragraph 3, Special Order No. 453, dated August 23, 1865, and paragraph 13, Special Order No. 524, August 22, 1865, War Department, Adjutant-General's Office, Washington, D. C., and of which Maj.-Gen. Lewis Wallace, U. S. Volunteers, is president, was arraigned and tried Henry Wirz.

Finding.—The commission, after having maturely considered the evidence adduced, find the accused guilty, as follows:

Of specification to charge 1, guilty, after amending said specification as follows: In this, that the said Henry Wirz did combine, confederate and conspire with them, the said Jefferson Davis, James A. Seddon, Howell Cobb, John H. Winder, Richard B. Winder, Isaiah H. White, W. S. Winder, S. Reed, R. R. Stephenson, S. P. Moore, ... Keer (late hospital steward at Andersonville), James Duncan, Wesley W. Turner, Benjamin Harris, and others whose names are unknown, maliciously and traitorously and in violation of the laws of war, to impair and injure the health and to destroy the lives of a large number of Federal prisoners, to-wit, 45,000 soldiers, etc.

In like manner the court-martial found Wirz guilty on all the principal specifications on which he was tried, two-thirds of the court concurring.

As the result of this trial Henry Wirz was, on November 6, 1865, sentenced to be executed, and four days later, on Friday, November 10th, the sentence was carried into effect and he was hanged; and he was buried in the old jail yard in Washington.

Of his family there remains still living in this country one daughter, Mrs. Brennen, an aged lady, who has the respect and sympathy of all who know her.

THE ATTEMPT TO IMPLICATE PRESIDENT DAVIS.

It will be noticed that, in both the charges and specifications and in the finding of this court, not Captain Wirz alone, but many of the most prominent officials of the Confederacy were included. Their fair name stands or falls with his.

ERRATUM:

On page 23, instead of "Mrs. Brennen," read "Mrs. Perrin." (MRS PERRIN)

Indeed, the Southern people themselves were on trial, and not simply the poor foreigner who suffered in their stead.

Consider the language of Chipman, Judge Advocate, in summing up:

"Whilst the evidence adduced convicts Wirz of contributing directly to the death of over ten thousand Union soldiers, and, with his own hand and by his direct order, committing thirteen individual murders, the evidence also presents the horrible fact that he was but an instrument in the hand of Jefferson Davis, James A. Seddon and other prominent rebels, and, while Wirz suffered deservedly, there are those yet unpunished more richly deserving an ignominious death."

None of the others were ever brought to trial, though all could easily have been produced. Davis and Seddon were at that time prisoners, held without bail by the United States Government on the charge of having conspired to murder Lincoln. The former had been arrested in consequence of a proclamation of President Johnson offering a reward of $100,000 for the arrest of the ex-President of the Confederacy for alleged complicity in the plot to assassinate Lincoln and others, based on perjured evidence in the hands of President Johnson. This evidence turned out to have been fabricated by one Conover, who, being himself suborned, had in turn suborned other witnesses to strengthen his tale.

These tools of Conover turned State's evidence, confessed to perjury and proved that the alleged testimony had originated in the brain of Conover, or of those by whom he had been employed. As illustrative of this, the report of a special committee of the House of Representatives is of interest. At the session of 1865-'66 a special committee was appointed by the House of Representatives "to inquire into and report upon the alleged complicity of Jefferson Davis in the assassination of the late President Lincoln." The charge had emanated from the Bureau of Military Justice, a similar institution to the Secret Committee of the French Revolution. Of this bureau Judge Advocate General Joseph Holt was chief.

After an investigation continuing through several months, the committee made their report to Congress.

"That report not only failed to establish the charge, but the committee was forced to confess that the witnesses on whose testimony Holt had affected to rely were wholly untrustworthy. Shortly after this, Mr. A. J. Rogers, of the committee, a very respectable member from New Jersey, made a minority report. He asserted that much evidence was altogether suppressed, and that witnesses who had received large sums of money from Holt for testifying to the criminality of Mr. Davis recanted their evidence before the committee and acknowledged that they had perjured themselves by testifying to a mass of falsehoods, and that they had been tutored to do so by one Conover, and that from him down through all the miserable list the very names under which these hired informers were known were as false as the narratives to which they had sworn."—*From Baltimore Gazette, September 25, 1866.*

Although the plot to connect him with the murder of Lincoln had thus failed, President Davis was not liberated, for the Northern people demanded his life, and it was hoped to convict him on the charge of cruelty to prisoners. The secret papers of the Confederacy were eagerly searched for evidence, but these efforts were without avail.

The Federal Government affected to consider the secession a rebellion, upholders of the Confederacy as rebels and traitors, her men-of-war piratical vessels, and her sailors pirates, and, as such, the latter, when captured, were loaded with irons and condemned to be hanged. Only by the protests of European governments and threats of retaliation by the Confederate Government was it deterred from its proposed course.

For months the Federal Government would consider no proposal for exchange of prisoners of war, as inconsistent with the treatment of traitors, and captured soldiers were treated with every ignominy. With abundance of money and boundless supplies of provisions, clothing and medicines at the com-

mand of their captors, the unfortunate Confederates taken in battle died in Northern prisons by thousands, and many returned home emaciated, starved and so broken in health as never to recover.

The record of cruelties permitted by their prison authorities exceeds anything ever charged against Wirz, and the officials may have thought it natural that a spirit of revenge should animate Southern hearts and lead them to acts of retaliation.

Horace Greely and other prominent men of the Union have declared that, while they could not believe Davis to have been a party to the assassination of Lincoln, they thought he might have been implicated in the cruel treatment of prisoners.

To ascertain the facts, there was a thorough inspection made of the Confederate archives and proceedings of the Confederate Senate, in secret session, relating to treatment of prisons, which had been sent to Canada for safe-keeping. It is needless to say that these papers irrefutably showed that, in spite of every pressure brought to bear upon him, President Davis had refused, in retaliation or for any purpose whatsoever, to inflict suffering upon Federal soldiers held as prisoners.*

Indeed, in the searchlight thus thrown upon the political actions of the Southern leader, so pure and strong a character was revealed that the men who went to Canada expecting to find proof of his guilt became his staunch supporters, and from this time sought to force the Union Government to bring him to trial, and, after two years of close incarceration had passed, they accomplished his liberation.

Yet the name of this our highest statesman still stands attainted, and is associated with the infamous and unjust charges for which poor Wirz paid forfeit with his life.

THE CONDUCT OF THE TRIAL.

Baffled in the attempt to connect President Davis with the assassination of Lincoln, and with no evidence that he was

* "Andersonville," by R. R. Stephenson, p. 453.

responsible for the disease, sufferings and deaths of the prisoners at Andersonville, they brought to trial one man only, Henry Wirz, whose conduct throughout had been humane and commendable, and neither brutal nor criminal. He was to be made a victim of passion and hatred.

Denounced as a demon incarnate by that man of infamy, Joseph Holt, the head of the Bureau of Military Justice, his doom was sealed from the first. A military commission was organized and he was arraigned on the charge of conspiring to torture and murder the Federal prisoners. The trial lasted two months, but no evidence whatsoever was produced of conspiracy between him and any others to injure prisoners. Witnesses in his favor were intimidated and some were not permitted to testify. Men of high social standing from Georgia were subpœnaed by Wirz's counsel and went to Washington, ready and eager to testify to his character and humane conduct towards the Union prisoners, but were not allowed to do so.

The Confederate Commissioner of Exchange, General Ould, and the Federal Commissioner, General Mulford, were prepared to give evidence of the earnest desire of the Southern authorities for exchange of prisoners, but were not called upon.

On the trial the reports of Drs. White and Stephenson were suppressed, and garbled extracts from those of Dr. Jones and of others were used. While all the evidence against the prisoner was received, nothing tending to exculpate him was admitted. The prisoner's counsel was not permitted to have access to records which were open to the counsel for the prosecution.

As part of the defense it was intended to show the brutal treatment of prisoners in Northern prisons, and that systematic cruelty was practiced for the purpose of forcing them to take the oath of allegiance. The names of witnesses by whom it was intended to prove these things were handed to Mr. Baker, assistant counsel to Judge Advocate Chipman.

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None of these witnesses appeared; the subpœnas for them were never issued, having been suppressed by the Judge Advocate on the ground that "it was not proper that such testimony should see the light."

Chipman afterwards admitted that he refused to have subpœnas issued for some of the "rebel functionaries whose testimony was considered important to the defense." Among the men whose testimony was thus rejected was General Lee, whose simple word would have gone far to prove to the world the truth.

Still, many of the prisoners did him justice. But among the thousands of unfortunate men who had been under his charge were some who were vile and others who were prejudiced; some who had broken their parole and were prompted by malice to swear away his life. The chief witness against him was a miserable perjured creature who was paid for his false oath with a government position. He claimed to be a Frenchman, a relative of Lafayette, but soon afterward was proved to be a German and a deserter from a Federal regiment, who may never have been at Andersonville at all. Other witnesses testified to alleged acts by him in August, 1864, when he was actually absent in Augusta on sick leave for four weeks, when he had the gangrene.

No crime was too horrible to be imputed by designing wretches to Wirz; and the pictorial papers were ablaze with illustrations of his imagined atrocities.

The South, desolate, crushed, full of sorrow and woe, in those anxious days when thousands were unpardoned, impotent even to protest, looked on in silent horror; while Wirz, conscious of having done his full duty as a humane officer and Christian gentleman, was amazed at the false charges brought against him.

In Washington none dared to speak in his favor. His accusers were "patriots," his friends "traitors." So odious did those bent on his destruction make him that the consul-general from Switzerland refused to receive the money some

offered for his aid, and the unhappy man was forced to ask assistance to meet the necessary expenses of the trial from the *New York News*. His lawyers at last resigned the case in despair of aiding him and unwilling to bear longer the odium attached to their position; and only one, the noble-hearted Louis Schade, remained faithful to him. He stood by him to the last, without expectation of reward or hope of saving him; and, two years after Wirz's death, when he thought the public mind might be calm enough to receive it, he published a letter, giving the most trustworthy account of the trial now in existence.

Captain Wirz, the man so foully calumniated, was in no conceivable manner responsible for the condition of things at Andersonville. A subaltern officer, placed as guard of a prison, he had no power to alter the existing conditions. The nature of the food, the number of inmates and the lack of comforts were as totally beyond his control as was the heat of the Southern sun; and, far from being the fiend he was portrayed to be, the kindliness and humanity of his nature are attested by all those who knew him. It is proved by the unimpeachable testimony of Dr. Stephenson, General Imboden and others who were with him at Andersonville that he was always most solicitous for the welfare of the prisoners in his care; that he deeply deplored their sufferings and did all in his power to alleviate them. We find that, by letters and reports, he sought to bring the state of affairs at the camp to the notice of the proper authorities, suggesting and urging the trial of such remedies as occurred to him to be practicable. Except for about three weeks in August, 1864, when, gangrene having attacked an old wound in his arm, he was sent to Augusta by order of his physician, he was never absent from his post of duty, but was engaged day and night with the other faithful surgeons in attending to the needs of the sick and dying. As a physician and a man of education and

integrity, he was well fitted for a position of such responsibility. Indeed, he was appointed to that post on account of the efficiency shown while engaged in like work at Richmond.

He had been from the opening of the war a loyal subject to the land of his adoption, and had from the first been called to positions of trust and high honor, requiring delicacy in handling, to which he was particularly adapted by reason of his foreign birth, high character and other qualifications, and in all of these he had served satisfactorily.

As to his private character we have the testimony of one who resided in his family for some time as an instructor of his children—Mrs. A., a sister of Judge Samuel Hall, of Georgia, and a lady of high social standing and of undoubted veracity, and who, as an inmate of his home, had every opportunity to know him well. She describes him as being one of the kindest men she ever met, an affectionate husband, a devoted father, and careful of the comfort of his servants and of even the animals around him. She describes his anxiety about the sick prisoners in his care, and adds that he often, for their sake, deprived his family and even his children of their daily cup of milk, one of their few luxuries, saying that the sick in the hospital needed it more than they did.

Can this be the inhuman monster the corrupt witnesses pictured at the trial of Wirz?

EXTRACTS FROM A STATEMENT WRITTEN BY THE HON. W. M. HAMMOND.

On the 13th of June, 1864, Col. W. M. Hammond, sent by General Bragg, reached Andersonville on a visit of inspection. He tells us that he had never, until he received this order, heard of this prison, but, having heard while *en route* to Macon some unfavorable accounts of the management of the place, he devoted the greater part of his stay in Andersonville to the study of its commanding officer, Captain Wirz. He speaks of him thus:

"Major Wirz was, when I saw him, apparently forty years

of age; was born in Zurich, Switzerland, and was a trained soldier; a little below medium height, slight of figure and lean almost to emaciation, with dark hair and brown eyes; direct in manner and expression, and active and alert in movement. He impressed me as one peculiarly fitted for the details of military administration and control. His right arm had been mutilated near the wrist, caused by a fragment of a shell in an engagement near Baton Rouge, Louisiana, incapacitating him for active field service. He was at my side during my visits to the sick and dying in the hospital and while passing among the scarcely less wretched inmates of the stockade. At night he went over the prison records with me, explaining minutely the needs and deficiencies of each department, and when I was on the point of leaving Andersonville he implored me, with tears streaming from his eyes, to urge upon the authorities at Richmond the absolute necessity for more and better food for the prisoners, for medicines, tents and lumber, and recommended that I should advise that they should send as many of the prisoners as could be furnished with transportation to Richmond or Savannah, and there turn them over unconditionally to the Federal authorities."

Colonel Hammond mentioned how Wirz passed, unarmed and unattended, with him through every part of the stockade, without receiving any unkind expression or threatening gesture; and, when questioned whether he had no fears for his personal safety, he replied: "They know I am doing my utmost for them." And Colonel Hammond adds: "It seems incredible to me that one guilty of the cruelties alleged against him by his executioners could have passed unharmed among thousands of his victims."

We will add that many of these prisoners knew well that Wirz was guiltless of any desire to injure them, and felt none of that hatred to him which was attributed to them. Of all who were subpœnaed as witnesses, only fifteen could be found to swear that he had committed murder, and some would

gladly have testified in his favor. A letter of one of these has been preserved and is inserted, in part.

The exigencies of his case compelled the unfortunate officer to ask aid from the only person able and willing to assist him, the editor of the *New York Daily News,* to whom he sent this appeal, in which is described the pitiful position to which his unhappy fate had consigned him:

WIRZ'S LETTER TO THE NEW YORK NEWS, DETAILING HIS SITUATION.

OLD CAPITOL PRISON,
WASHINGTON CITY, D. C., August 27, 1865.

To the Editor of The New York News.

Although a perfect stranger to you, I take, in my unfortunate and helpless condition, the liberty to address you this letter, knowing that, as a friend to the downtrodden South, you cannot but have some sympathy for a man who, as he believes, is innocently about to be sacrificed—a sympathy which, I hope, will prompt you to interest yourself in his behalf. I am a native of Switzerland, and, having been for years before the war a resident of Louisiana, could not do otherwise than take up arms to defend the State and country of my adoption when it was invaded. I joined the Confederate Army in 1861 and served faithfully the cause I considered to be a rightful one. In 1862 the United States troops destroyed my home, and my wife and three children had to seek shelter among friends. I lost all I possessed but a few negroes who still remained faithful. In 1864 I was ordered to report to the officer of the military prison at Andersonville, Georgia. By this officer I was put in command of the prison, and remained in that position from April, 1864, until 1865. When the South ceased the struggle I was still with my family in Andersonville, believing myself fully protected by the terms of the agreement between Generals Sherman and Johnston, and never dreaming that I, a poor captain and subaltern officer, would be made to answer with my life

for what is now alleged to have been done at Andersonville. I was, in violation of a safe-conduct which was given me by a staff officer of General Wilson, arrested in Macon, Georgia, was kept there in confinement for two weeks, and then sent on to Washington, and am now, by order of the President of the United States, brought before a court to be tried under the most atrocious charges. I have no friends here. I am helpless, and unless I can get help I will have to lose the last things which I possess in this world—my good name and my life. My conscience is clear. I have never dealt cruelly with a prisoner under my charge. If they suffered for the want of shelter, food, clothing and necessaries, I could not help it, having no control over these things—things which the Confederate Government could give only in very limited quantity, even to our own men, as everybody knows who will be just and impartial. My legal advisers (Messrs. Schade and Baker), seeing my helplessness, have undertaken to conduct my defense. They are both doing it from generosity and compassion, knowing full well that I have not the means to remunerate them for their trouble. But I cannot expect them to furnish the means which it absolutely requires in the conducting of a case of such importance. Copies of depositions have to be made, messengers have to be sent here and there to get up testimony. And how can this be done without money? I have none to give, and, no doubt, my case will be lost—my life sacrificed—for want of the money to defray the expenses of such a trial. But my counsel believe, from the evidence already in their possession, that, if the necessary means can be obtained, my acquittal must be the result. On this condition I take the liberty to appeal to you to assist me and let me not be the victim of injustice. Your influence is such that it will not require very great efforts to collect the necessary means for a vigorous carrying on of the defense. I am myself without clothes, without any means to alleviate the hardships of a close confinement. My health is bad, and

the prison fare is not calculated to benefit a sick or, at least, a suffering man. Still these things I have borne without murmuring, and hope, with the help of God, to bear yet for a while longer.

Hoping that this petition will receive a favorable reception on your part, and assuring you again that nothing but the direst necessity could induce me to address you, I remain, sir, with the greatest respect,

Your obedient servant,

H. WIRZ,

Late Capt. and A. A. G., C. S. A.

WIRZ'S APPEAL TO COLONEL CHIPMAN, OF THE UNITED STATES ARMY.

"You will, I hope, excuse my liberty to address you these lines; but, not knowing to whom to appeal, I refer the matter to you. I am now a prisoner since the 7th of May, 1865. I have been deprived of all the chances to receive the consolations of religion even necessary to anybody, and truly more so to a man charged with crimes so heinous, so terrible that the mere thought of them makes me shudder. Although I know myself full well that I am wrongfully accused, that an all-seeing, all-knowing God knows my innocence, still I need some encouragement from others not to sink under the heavy burden which is placed upon me. Under these circumstances I respectfully ask that permission be granted to Rev. Fathers Whelan and Hamilton to visit me and administer such spiritual comforts as my unfortunate position requires. They are both men of integrity, and will not profit by the occasion to see or do anything but what their duties as ministers of the gospel will permit. Hoping that this, my humble request, may be favorably received and the permission be granted, I remain, Colonel, most respectfully,

"Your obedient servant,

"H. WIRZ."

Reviled and persecuted, far from his native land and kindred, and apparently forsaken by the land of his adoption, surrounded by enemies, whose every word and look spoke execration, Wirz lingered in prison, alternating, as he tells us, between hope and despair, and hardly recognizing himself in the monster whose crimes were being blazoned to the world. The iron of ignominy entered deep into his soul, and his cup of woe was full.

After six months' imprisonment, and four days before his death, he appealed in the following letter to President Johnson, in which his innocence of crime and his simplicity of soul and fortitude of mind speak for themselves. In this letter to President Johnson he says:

"With a trembling hand, with a heart filled with the most conflicting emotions, and with a spirit hopeful one moment and despairing the next, I have taken the liberty of addressing you. * * *

"When I consider your exalted position, when I think that in your hand rests the weal or woe of millions—yea, the peace of the world—well may I pause to call to my aid courage enough to lay before you my humble petition. * * *

"It is not my desire nor intention to enter into an argument as to the merits of my case. There is only one thing that I ask, and it is expressed in few words: Pass your sentence. For six weary months I have been a prisoner; for six months my name has been in the mouth of everyone; by thousands I am considered a monster of cruelty, a wretch that ought not to pollute the earth any longer. Truly, when I pass in my mind over the testimony given, I sometimes almost doubt my own existence. I doubt that I am the Captain Wirz spoken of. I doubt that such a man ever lived—such as he is said to be; and I am inclined to call on the mountains to fall upon me and bury me in my shame. But oh! sir, while I wring my hands in mute and hopeless despair, there speaks a small but unmistakable voice within me that says: 'Console thyself; thou knowest thy innocence;

fear not; if men hold thee guilty, God does not, and a new life will pervade your being.' Such has been the state of my mind for weeks and months, and no punishment that human ingenuity can inflict could increase my distress. The pangs of death are short, and, therefore, I humbly pray that you will pass your sentence without delay. * * *

"I would not convey to your mind, Mr. President, that I court death. Life is sweet. However lowly and humble man's station may be, he clings to life. His soul is filled with awe when he contemplates the future—the unknown land where the judgment is, before which he will have to give an account of his words, thoughts and deeds. Well may I remember, too, that I have erred, like all other human beings. But of those things for which I may perhaps suffer a violent death I am not guilty; and God judge me.

"I have said all that I wished to say. Excuse my boldness in addressing you, but I could not help it. I cannot bear this suspense much longer. May God bless and be with you. Your task is a great and fearful one. In life or death, I shall pray for you and for the prosperity of the country in which I have passed some of my happiest as well as darkest days."

No appeal availed to save one destined to die to sate the thirst for vengeance in the North—a vicarious sacrifice for the alleged crimes of the South.

Four days later Wirz was released from prison, and he passed from the jurisdiction of an earthly tribunal, where malignity had usurped the place of justice, to that higher judgment seat, before which the unjust judge and the innocent victim must alike appear.

STATEMENT PUBLISHED APRIL 4, 1867, BY LOUIS SCHADE, ATTORNEY AT LAW, WASHINGTON, D. C., WHO DEFENDED WIRZ IN HIS TRIAL.

"Intending to leave the United States for some time, I feel it my duty, before I start, to fulfill in part a promise which, a few hours before his death, I gave to my unfortunate client, Captain Wirz, who was executed at Washington on the 10th

day of November, 1865. Protesting up to the last moment his innocence of those monstrous crimes with which he was charged, he received my word that, having failed to save him from a felon's doom, I would, as long as I lived, do everything in my power to clear his memory. I did that the more readily, as I was then already perfectly convinced that he suffered wrongfully. Since that time his unfortunate children, both here and in Europe, have constantly implored me to wipe out the terrible stains which now cover the name of their father. Though the times do not seem propitious for obtaining full justice, yet, considering that man is mortal, I will, before entering upon a perilous voyage, perform my duty to those innocent orphans and also to myself. I will now give a brief statement of the causes which led to the arrest and execution of Captain Wirz.

"In April, 1865, President Johnson issued a proclamation, stating that, from evidence in the possession of the 'Bureau of Military Justice,' it appeared that Jefferson Davis was implicated in the assassination of Abraham Lincoln, and for that reason the President offered a reward of $100,000 for the capture of the then fugitive ex-President of the Southern Confederacy. That testimony has since been found to be entirely false and a mere fabrication, and the suborner, Conover, is now under sentence in the jail of this city, the two perjurers whom he suborned having turned State's evidence against him, whilst the individual by whom Conover was suborned has not yet been brought to justice.

"Certain high and influential enemies of Jefferson Davis, either then already aware of the character of the testimony of those witnesses, or not thinking their testimony quite sufficient to hang Mr. Davis, expected to find the wanting material in the terrible mortality of Union prisoners at Andersonville. Orders were issued accordingly to arrest a subaltern officer, Captain Wirz, a poor, friendless and wounded prisoner of war (he being included in the surrender of General Johnston), and, besides, a foreigner by birth. On the 7th day of

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May he was placed in the Old Capitol Prison at Washington, and from that time the greater part of the Northern press was busily engaged in forming the unfortunate man, in the eyes of the Northern people, into such a monster that it became almost impossible for him to obtain counsel. Even his countryman, the Swiss consul-general, publicly refused to accept money to defray the expenses of the trial. He was doomed before he was heard, and even the permission to be heard according to law was denied him. To increase the excitement and give eclat to the proceeding, and to influence still more the public mind, the trial took place under the very dome of the Capitol of the nation. A military commission, presided over by one of the most arbitrary and despotic generals in the country, was formed, and the paroled prisoner of war was tried, his wound still open, and so feeble that he had to recline during the trial on a sofa. How that trial ended the whole world knows. The enemies of generosity and humanity believed it to be a sure thing to get at Jefferson Davis. Therefore, the first charge was that of conspiracy between Wirz and Jefferson Davis, Seddon, Howell Cobb, R. R. Stephenson and a number of others to kill the Union prisoners. The trial lasted for three months; but, unfortunately for the bloodthirsty instigators, not a particle of evidence was produced showing the existence of such a conspiracy; yet Captain Wirz was found guilty of that charge. Having thus failed, another effort was made. On the night before the execution of the prisoner a telegram was sent to the Northern press from this city, stating that Wirz had made important disclosures to Gen. L. C. Baker, the well-known detective, implicating Jefferson Davis, and that the confession would probably be given to the public. On the same evening some parties came to the confessor of Wirz, Rev. Father Boyle, and also to me, one of them informing me that a high cabinet officer wished to assure Wirz that, if he would implicate Jefferson Davis with the atrocities committed at Andersonville, his sentence would be commuted. He (the messenger, or whoever he was)

requested me to inform Wirz of this. In the presence of Father Boyle, I told Wirz next morning what had happened. The Captain simply and quietly replied: 'Mr. Schade, you know that I have always told you that I do not know anything about Jefferson Davis. He had no connection with me as to what was done at Andersonville. If I knew anything of him I would not become a traitor against him, or anybody else, even to save my life.' He likewise denied that he had ever made any statement whatever to General Baker. Thus ended the attempt to suborn Captain Wirz against Jefferson Davis. That alone shows what a man he was. How many of his defamers would have done the same? With his wounded arm in a sling, the poor paroled prisoner mounted, two hours later, the scaffold. His last words were that he died innocent; and so he died. The 10th day of November, 1865, will, indeed, be a black stain upon the pages of American history.

"To weaken the effect of his declaration of innocence and the whole manner in which Wirz died, a telegram was manufactured here and sent North, stating that, on the 27th day of October, Mrs. Wirz (who actually was 900 miles, on that day, away from Washington) had been prevented by that Stantonian *deus ex machina,* Gen. L. C. Baker, from poisoning her husband. Thus, on the same day when the unfortunate family lost their husband and father, a cowardly and atrocious attempt was made to blacken their character also. On the next day I branded the whole as an infamous lie, and since then I have never heard of it again, though it emanated from a brigadier-general of the United States Army.

"All those who were charged with having conspired with Captain Wirz have since been released, except Jefferson Davis, the prisoner of the American 'Castle Chillon.' Captain Winder was let off without a trial; and if any of the others have been tried, which I do not know, certainly none of them have been hung. As Captain Wirz could not conspire alone, nobody will now, in view of that important fact, con-

sider him guilty of that charge. So much, then, for charge No. 1.

"As to charge No. 2, to-wit, murder, in violation of the laws and customs of war, I do not hesitate to declare—what about 145 out of 160 witnesses on both sides declared during the trial—that Captain Wirz never murdered or killed any Union prisoners with his own hands or otherwise. All those witnesses (about twelve or fifteen) who testified that they saw Captain Wirz kill a prisoner have sworn falsely, abundant proofs of that assertion being in existence. The hands of Captain Wirz are clear of the blood of prisoners of war. He would certainly have at least intimated to me a knowledge of the alleged murders with which he was charged. In almost all cases no names of the alleged murdered men could be given, and where it was done no such persons could be identified. The terrible scene in court when he was confronted with one of the witnesses, and the latter insisted that Wirz was the man who killed a certain Union prisoner, which irritated the prisoner so much that he almost fainted, will be remembered. That man (Grey) swore falsely; and God alone knows what the poor, innocent prisoner must have suffered at that moment. That scene was depicted and illustrated in the Northern newspapers as if Wirz had broken down on account of his guilt. Seldom has a mortal suffered more than that friendless and forsaken man.

"Fearing lest this communication should be too long, I will merely speak of the principal and most intelligent of those false witnesses who testified to individual murder on the part of Captain Wirz. Upon his testimony the Judge Advocate, in his final argument, laid particular stress, on account of his intelligence. This witness prepared also pictures of the alleged cruelties of Wirz, which were handed to the commission and are now on record, copies of which appeared at the time in Northern illustrated papers. He swore that his name was Felix de la Baume, and represented himself as a Frenchman and grandnephew of Marquis Lafayette. After

having so well testified and shown so much zeal, he received a recommendation, signed by the members of the commission. On the 11th day of October, before the taking of the testimony was concluded, he was appointed to a clerkship in the Department of the Interior. This occurred whilst one of the witnesses for the defense (Duncan) was arrested in open court and placed in prison before he had testified. After the execution of Captain Wirz, some of the Germans of Washington recognized in de la Baume a deserter from the Seventh New York (Steuben's) Regiment, whose name was not de la Baume, but Felix Oeser, a native of Saxony. They went to Secretary Harlan, and he dismissed the impostor and the important witness in the Wirz trial, on the 21st day of November, eleven days after the execution. Nobody who is acquainted with the Conover testimony, in consequence of which the President of the United States was falsely induced to place a reward of $100,000 upon the head of an innocent man, will be astonished at the above disclosures of the character of testimony before military commissions. So much for charge No. 2. If from twelve to fifteen witnesses could be found who were willing to testify to so many acts of murder on the part of Wirz, there must certainly have been no lack of such who were willing to swear to minor offenses. Such was the unnatural state of the public mind against the prisoner at that time that such men regarded themselves and were regarded as heroes, after having testified in the manner above described; whilst, on the other hand, the witnesses for the defense were intimidated, particularly after one of them had been arrested. But who is responsible for the many lives that were lost at Andersonville and in the Southern prisons? That question has not fully been settled; but history will tell on whose heads the guilt for those sacrificed hecatombs of human beings is to be placed. It was certainly not the fault of poor Captain Wirz, when, in consequence of medicines having been declared contraband of war by the North, the Union prisoners died for want of the same. How often have we read during the war

that ladies going South had been arrested and placed in the Old Capitol Prison by the Union authorities because some quinine or other medicine had been found concealed in their clothing! Our navy prevented the ingress of medical stores from the seaside, and our troops repeatedly destroyed drug stores and even the supplies of private physicians in the South. Thus the scarcity of medicines became general all over the South. * * *

"That provisions in the South were scarce will surprise nobody, when it is remembered how the war was carried on. General Sheridan boasted in his report that, in the Shenandoah Valley alone, he had burned over two thousand barns filled with wheat and corn, and all the mills in the whole tract of country; that he had destroyed all the factories of cloth, and killed and driven off every animal—even the poultry—that could contribute to human sustenance. And these desolations were repeated in different parts of the South, and so thoroughly that, last month, two years after the end of the war, Congress had to appropriate a million dollars to save the people of those regions from actual starvation. The destruction of railroads and other means of transportation by which food could be supplied by abundant districts to those without it increased the difficulties in giving sufficient food to our prisoners. The Confederate authorities, aware of their inability to maintain their prisoners, informed the Northern agents of the great mortality, and urgently requested that the prisoners should be exchanged, even without regard to the surplus which the Confederates had on the exchange roll from former exchanges—that is, man for man. But our War Department did not consent to an exchange. They did not want to 'exchange skeletons for healthy men.' Finally, when all hope of exchange was gone, Colonel Ould, the Confederate Commissioner of Exchange, offered, early in August, 1864, to deliver up all the Federal sick and wounded, without requiring an equivalent in return, and pledged that the number would amount to ten or fifteen thousand, and if it did not, he

would make up that number with well men. Although this offer was made in August, the transportation was not sent for them (to Savannah) until December, although he urged and implored (to use his own words) that haste should be made. During that very period the most of the deaths at Andersonville occurred. Congressman Covode, who lost two sons in the Southern prisons, will do well if he inquires who those 'skeletons' were which the Honorable Secretary of War (Stanton) did not want to exchange for healthy men. If he does, he will hereafter be, perhaps, less bitter against the people of the South.

"We used justly to proclaim in former times that ours was the 'land of the free and home of the brave.' But when one-half of the country is shrouded in a despotism which now only finds a parallel in Russian Poland, and when our generals and soldiers quietly permit that their former adversaries shall be treated worse than the Helots of old, brave soldiers though many may be, who, when the forces and resources of both sections were more equal, have not seldom seen the backs of our best generals, not to speak of such men as Butler and consorts, we may well question whether the Star-spangled Banner still waves 'over the land of the free and the home of the brave.' A noble and brave soldier never permits his antagonist to be calumniated and trampled upon after an honorable surrender. Besides, notwithstanding the decision of the highest legal tribunal in the land that military commissions are unconstitutional, the earnest and able protestations of President Johnson, and the sad results of military commissions, yet such military commissions are again established by recent legislation of Congress all over the suffering and starving South. History is just, and, as Mr. Lincoln used to say, 'We cannot escape history.' Puritanical hypocrisy, self-adulation and self-glorification will not save those enemies of liberty from their just punishment. Not even a Christian burial of the remains of Captain Wirz has been allowed by Secretary Stanton. They still lie side by side with those of

another acknowledged victim of the military commission, the unfortunate Mrs. Surratt, in the yard of the former jail of this city.

"If anybody should desire to reply to this, I politely beg that it may be done before the first day of May next, as I shall then leave the country, to return in the fall. After that day letters will reach me in care of the American Legation, or Mr. Benedetto Bolzani, Leipzig Street, No. 38, Berlin, Prussia.

LOUIS SCHADE,
"*Attorney at Law.*

"WASHINGTON, D. C., April 4, 1867."

In addition to the above letter, we make the following extracts:

EXTRACT FROM A LETTER FROM THE REV. FATHER F. E. BOYLE.

HON. JEFFERSON DAVIS.

DEAR SIR:— * * * I know that, on the evening before the execution of Major Wirz, a man visited me, on the part of a cabinet officer, to inform me that Major Wirz would be pardoned if he would implicate Jefferson Davis in the cruelties of Andersonville. No name was given by this messenger, and, on my refusal to take any action in the matter, he went to Mr. Louis Schade, counsel for Major Wirz, with the same purpose and with a like result. When I visited Major Wirz the next morning he told me that the same proposal had been made to him and had been rejected with scorn. The Major was very indignant, and said, while he was innocent of the cruel charges imputed to him, he would not purchase his freedom by perjury and a crime such as was made the condition of his freedom. I know that he was, indeed, innocent of all the cruel charges on which his life was sworn away, and I was edified by the Christian spirit in which he submitted to his persecutors.

Yours very truly,

F. E. BOYLE.

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EXTRACT FROM A LETTER TO MRS. JEFFERSON DAVIS FROM CAPT. C. B. WINDER, JANUARY 9, 1867.

"The door of the room which I occupied while in confinement in Old Capitol Prison, Washington, was immediately opposite Captain Wirz's door, and both were occasionally open. About two days before Captain Wirz's execution I saw three or four men pass into his room, and, upon their coming out, Captain Wirz assured me that they had given him assurances that his life would be spared and his liberty given him if he (Wirz) could give any testimony that would reflect on Mr. Davis or implicate him, directly or indirectly, with the condition and treatment of prisoners of war, as charged by the authorities of the United States; that he indignantly spurned these propositions, and assured them that, never having been acquainted with Mr. Davis, either personally, officially or socially, it was utterly impossible that he should know anything against him, and that the offer of his life, dear as the boon might be, could not purchase him to treason and treachery to the South."

EXTRACTS FROM A LETTER TO THE NEW YORK DAILY NEWS OF AUG. 9, 1865, SOME WEEKS BEFORE THE TRIAL COMMENCED.

(Preserved by R. R. Stephenson).

This letter is from the pen of an officer on General Sheridan's staff, who was himself a prisoner at Andersonville at the period when the greatest mortality prevailed there. It is plain and pointed and cannot be controverted. It reads as follows:

"To the Editor of the New York Daily News.

"SIR:—I learn from various telegrams from Washington that Captain Wirz, late commandant of the prison at Andersonville, Georgia, is now a prisoner in the Old Capitol Prison at Washington, and that numerous witnesses have been summoned, whose testimony, it is supposed, will completely unveil the horrors of that place. Having been for several months an inmate of the stockade there, I propose herein to consider,

in the first place, the causes of the excessive mortality there, and, secondly, how much of its frightful suffering is justly chargeable to Captain Wirz. In doing this I am convinced that, although possibly opposed by some, I shall be supported by all those who have had the opportunity of learning the truth in the case, and whose love of truth and magnanimity will impel them not to join in the hue and cry against one whose one offense seems to be that, in doing his duty, he did it well. Forbearance towards a conquered foe having ever been the attribute of the truly great, I cannot conceive how justice will be vindicated, the Union perfected or the character of our country elevated by the trial and execution of this man.

"The horror of the public has been excited and a desire of vengeance stimulated by one-sided narrations and pictorial illustrations of suffering, until, not content with having supped on horrors for four years, the vitiated appetite of unappeasable men still calls for more.

"The duty of Captain Wirz was simply that of a jailer. Prisoners of war were committed to his charge, and he was held responsible for their safe custody, *i. e.*, their retention.

"The mortality at Andersonville resulted, mainly, from the following causes: First, want of proper food; second, from want of shelter; third, want of medical attention; fourth, causes of a purely local nature, coupled with the moral degradation exhibited by the prisoners themselves. By the proper food I mean that the dietary scale was neither of the kind nor quality to which most of the prisoners had been accustomed. Still it was the ordinary diet of the Confederate Army, and they had nothing else to give us. Thousands of prisoners had never eaten bread made of corn meal, or any preparation of it whatever, and with those its use commonly resulted in diarrhœa, which, aggravated by the excessive use of water, generally, in a few days became chronic. Every one knows the difficulty of treating this disease, even under the most favorable circumstances.

"At the first the meal was issued uncooked, and the prisoners were allowed to go out of the stockade, in squads, under guard, to collect fuel. This privilege was accorded with the understanding that an escape would not be attempted. In a short time, however, Captain Wirz was obliged to withdraw the favor, for it was evident that no reliance could be placed on the promises of our men. This want of good faith resulted lamentably for us all. Fuel became scarce, as only a few wagon loads were distributed per diem. It was impossible to be otherwise, for the limited number of wagons and teams were constantly employed in hauling rations and in carrying the dead to their graves. The corn meal was, therefore, eaten in a semi-cooked state, and sickness commonly followed.

"Beans, or peas, as they are called in the South, were on the bill of fare. They were cooked in large kettles, with bacon or beef, as might happen, and would have been palatable and nutritious had even the most ordinary care been exercised in their preparation. But the cooks were our own men, liberated from the stockade for this especial duty, on parole, and receiving therefor an extra ration and the liberty of the entire post, besides other privileges. Their own wants were bountifully supplied. The choicest of everything was theirs, but, this secured, nothing involving either trouble or extra labor was wasted on their unfortunate countrymen. The beans were cooked as they were issued from the commissary, mingled with pods, stones and sand. The bacon or beef, covered with the filth of the cook house, was flung into the sickening mess. When all was ready it was dipped into barrels and hauled into the stockade for distribution.

"As for the quantity of the food, I know that, until Generals Sherman and Kilpatrick destroyed the railroad communications of the South, the rations issued by the post commissary were nearly if not quite equal to those of our guards. The numerous instances of starvation which have been cited occurred, not from lack of food, but from the nature of the

food. Many such cases I have noticed where men have wasted to skeletons with abundance of provisions in their tents.

"The want of shelter exercised a marked influence. Had the men observed good faith when allowed to go out for wood, it is certain that in time all those unprovided with shelter tents would have found shelter enough to protect them from the sun and dew. Last August there were probably 35,000 men at Andersonville. More than half of them either brought or were provided with cover of some kind; the rest lived as best they might, crouching by day in the shadow of the tents, and at night sleeping where they could find room. I mentioned a few weeks ago, in a Brooklyn paper, some of the causes of this destitution. Many of the men were taken in battle, their baggage generally in the rear; others, too feeble or too indolent to carry their blankets or blankets and knapsacks, threw them away, and very many sold their effects by piecemeal to gratify every impulse of appetite, whenever opportunity offered. Fruits and tempting edibles were displayed at every railroad station, and purchased with the blankets, clothing and shoes of our infatuated men. * * * Hundreds of them, perhaps thousands, have bartered away their lives for a momentary gratification. When asked, however, how they lost their clothing, they invariably replied: 'The Rebs stripped me.' These were the men who waited for the dead at the gates and stripped every corpse to positive nudity. * * * These are they whose portraitures have filled our pictorials, and upon whose testimony of suffering and starvation the conviction of Captain Wirz will be sought; and whose vindictiveness now, in the hour of the triumph to which they contributed little or nothing, is only equalled by their total want of magnanimity, manhood and self-control while prisoners.

"The medical treatment was faulty, of course. All that the physician could do was merely an approximation to the proper treatment. The stringency of the blockade (medicines and hospital supplies being contraband of war) was such that

drugs were not procurable. Our men, by this means, were the principal sufferers; for the Confederates, not being so subject to the diseases which swept off so many of ours, were successfully treated with the indigenous herbs and remedies furnished by the laboratory at Macon. * * *

"The local peculiarities of Andersonville were not of themselves of a character to induce any excessive mortality. The spot was selected mainly with a view to its salubrity, and such healthfulness is abundantly proved by the fact that very few of our men who were out on parole died.

"I have thus, as briefly as possible, endeavored to show why 13,000 of our men lie buried at Andersonville.

"Starvation undoubtedly did occur, but from causes I have mentioned. Many men were shot at Andersonville for crossing the limits assigned to them. Every man in the stockade knew that to cross or even touch the dead line was to court death. The prisoners were soldiers, and knew the arbitrary requirements of military discipline; and yet the guard is blamed for doing that which, undone, would have subjected him to trial and punishment. Some of our men were shot accidentally.

"I remember, too, that some of our military prisons had the like regulations. Small favor was shown a rebel soldier at Point Lookout, and the negro guard there only asked the shadow of an excuse to fire.

"All war is cruel, but I saw no more cruelty practiced at Andersonville than, in my opinion, was necessary to keep the prisoners within bounds. I have known our own men to volunteer to accompany the hounds and bring back our fugitives. Should these men receive an honorable discharge and Captain Wirz be convicted and sentenced to an infamous punishment? Is he to be held responsible for the deaths in the hospital, when our own men, deputed and paid to nurse the sick, more than neglected their duty? And because our own men, scoffing at every prudential consideration of cleanliness, willfully neg-

lected every precaution that would conduce to their health, is he to be held up to the world as a murderer of hitherto unknown magnitude? I trust not. In our national heraldry I see an olive branch, not a hangman's noose.

"Believe me, sir, I have no personal interest or object in making this statement, or appeal. I never spoke to Captain Wirz, or he to me. Not a single favor, directly or otherwise, have I ever received from him. Love of justice and an utter disbelief in the total depravity of man alone impel me. And, above all, for the credit of our country, let it never be said that an American soldier, whether Northern or Southern, could deliberately assassinate thirteen thousand defenseless men, trusting to him alone for protection. M. S. H."*

*"Andersonville Prison," by R. R. Stephenson, p. 138.

NORTH CAROLINA STATE LIBRARY.

THE TREATMENT OF PRISONERS.

Concerning the treatment of prisoners, the Honorable Alexander H. Stephens, Vice-President of the Confederacy, says, in his history:

"The efforts which have been so industriously made to fix the odium of cruelty and barbarity upon him (Davis) and other high officials under the Confederate Government, in the matter of prisoners, in the face of all the facts, constitute one of the boldest and baldest attempted outrages upon the truth of history which has ever been essayed—not less so than the infamous attempt to fix upon him and other high officials on the Confederate side the guilt of Mr. Lincoln's assassination. Whatever unnecessary privations and sufferings prisoners on both sides were subjected to, the responsibility of the whole rested not upon Mr. Davis or the Confederate authorities. It was the fault of the Federal authorities in not agreeing to and carrying on immediate exchange, which Mr. Davis was at all times anxious to do. The men at the head of affairs at Washington were solely responsible for all these sufferings. There would have been 'not a groaning prisoner of war' but for the refusal of the Federal authorities to comply with the earnest desire of the Richmond Government for an immediate exchange upon the most liberal and humane principles. Had Mr. Davis' repeated offers been accepted, no prisoner on either side would have remained in confinement a day. This all the facts clearly show. All the sufferings and loss of life, therefore, during the entire war, growing out of the imprisonments on both sides—and they were great on both sides (and it is not my wish to underrate them)—are justly chargeable to but one side, and that is the Federal side."

As to the food, medical treatment, etc., of their prisoners, Mr. Stephens says:

"The policy of the Confederates was established by law. By an act of Congress, passed soon after the war was inaugu-

rated, it was provided that prisoners of war should have the same rations, in quality and quantity, as Confederate soldiers in the field. By an act passed afterwards, all hospitals for sick and wounded prisoners were put on the same footing with hospitals for sick and wounded Confederates. This policy was never changed. Whatever food or fare the Confederate soldiers had, whether good or bad, full or short, the Federal prisoners shared equally with them."

As to the charges of cruelty against Wirz and others, he says:

"Acts of much greater barbarity than any which were proven against him could easily have been established, and would have been established, against numerous subordinates on the Federal side if the tendered proof had not been rejected. I have been informed by returned prisoners of unquestionable truth and veracity from Camp Douglas, Rock Island, Elmira and Point Lookout, of numerous instances which came under their immediate observation of much greater atrocity than anything alleged against Wirz. These acts, many of which were of the most inhuman and barbarous character, were perpetrated by the Federal subordinates having control of the Confederate prisoners at these points. * * * Such conduct to prisoners never met the approval of the Confederate authorities. They never in a single instance sanctioned, much less ordered, well-meaning and unoffending prisoners of war to be confined in unwholesome dungeons, and to be manacled with cuffs and irons, as repeatedly done by orders of the authorities at Washington, in utter violation of the well-established usages of modern, civilized warfare; and, apart from this marked difference between the two governments, in their highest official character, in sanctioning and ordering acts of wanton cruelty, I insist upon the irrefutable fact that, but for the refusal of the Federals to carry out an exchange, none of the wrongs and outrages mentioned and none of the sufferings incident to prison life on either side could have occurred. * * *

"The selection of the locality for the camp at Andersonville was governed by the most humane considerations. * * * The official order for the erection of the stockade enjoined 'that it should be in a healthy locality, with plenty of pure water, a running stream, and, if possible, shade trees, and in the immediate neighborhood of grist and saw mills.' * * *

"Why were our Southern prisoners taken, in the dead of winter, with their thin clothing, to Camp Douglas, Rock Island and Johnson's Island—icy regions of the North, where it is a notorious fact that many of them actually froze to death?

"As far as mortuary returns show evidence of the general treatment of prisoners on both sides, the figures show nothing to the disadvantage of the Confederates, notwithstanding their limited supplies of all kinds. And, notwithstanding all that has been said of the horrible sacrifice of life at Andersonville, it appears from the Federal official records that a larger number of Confederates died in Northern than of Federals in Southern prisons or stockades.

"The report of Mr. Stanton, Secretary of War, on the 19th of July, 1866, exhibits the fact that, of the Federal prisoners in Southern prisons during the war, only 22,576 died; while of Confederate prisoners in Federal hands 26,436 died. From the report of Surgeon-General Barnes, of the United States Army, it appears that the whole number of Federal captives held in Southern prisons, from first to last during the war, was in round numbers 270,000; while the whole number of Confederates captured and held in Federal prisons was, in like round numbers, only 220,000. From these reports it appears that, with 50,000 more prisoners in Southern stockades or other modes of confinement, the deaths were nearly 4,000 less; the per centum of Federal deaths in Southern prisons being less than nine, while the per centum of Confederate deaths in Northern prisons was over twelve.*

"But the great question in this matter is, Upon whom rests

*From other sources of information these figures are also found to be substantially correct. See discussion of this subject by Dr. Samuel E. Lewis, of Washington City.

the tremendous responsibility of all this sacrifice of human life? The facts, beyond question or doubt, show that it rests entirely upon the authorities at Washington. It is proven to have been their settled policy in conducting the war not to exchange prisoners. The grounds upon which this extraordinary course was adopted were that it was humanity to the men in the field on their side to let their captured comrades perish in prison rather than to let an equal number of Confederates be released on exchange to meet them in battle."

THE RESPONSIBILITY FOR NOT EXCHANGING PRISONERS.

Ignoring the usages of war, and disregarding alike universal opinion and the conduct of Great Britain in her war with her rebellious colonies, President Lincoln, on April 19, 1861, proclaimed that "any person who, under the pretended authority of the said Confederate States, should molest a vessel of the United States or the persons or cargo on board should be amenable to the laws of the United States for the prevention of piracy." The crew of the captured schooner "Savannah" was placed in irons and sent to New York to stand trial for piracy, and later in the year, when the privateer "Jefferson Davis" was captured, her captain was tried and found guilty of piracy.

The Confederate authorities thereupon instructed General Winder, at Richmond, to select the same number of prisoners of like rank to be held as hostages for the prisoners held at the North for trial as pirates. "By this course," says President Davis, "the infamous attempt made by the United States Government to commit judicial murder on prisoners of war was arrested." This proclamation of President Lincoln awakened the attention of Europe. In the discussion concerning it in the British House of Lords the Earl of Derby said he "apprehended that if one thing was clearer than another it was that privateering was not piracy, and that no law could make that piracy as regarded the subjects of one nation which was not piracy by the laws of nations. Consequently, the United States must not be allowed to entertain this doctrine and to call on her Majesty's government not to interfere."*

Still the Government at Washington clung with tenacity to the theory that the Confederates were rebels and traitors, with whom it could neither treat nor hold exchange of prisoners;

*The statements in this and the following pages are condensed from Jefferson Davis' "Rise and Fall of the Confederacy."

and when at length, induced by the entreaties of friends and relatives of the Union prisoners, it consented to close its eyes while exchanges were made by commanders, the condition remained that soldiers captured in battle were not protected according to the usages of war, and it was still asserted that those captured might be hung as rebels taken in the act.

To General Polk's proposal for an exchange, in October, 1861, General Grant replied: "I can of my own accord make none. I recognize no Confederate Government, but I will communicate with higher powers for their views."

Finally, on July 22, 1862, a cartel was agreed to, based on that of 1812 between the United States and Great Britain, by which prisoners were to be exchanged, man for man, and the excess on either side to be paroled.

The South had at that time an excess of prisoners, but as soon as the posture of affairs was reversed the cartel was no longer observed by the North.

Meanwhile deliveries were made by the Southern authorities as fast as transportation was furnished, and it was never alleged that they had failed to make prompt deliveries; while on the other hand the cartel was often openly violated by the officials at Washington. Officers and men were often kept in confinement, sometimes doomed to cells and irons, after the notices were published of their exchange.

In 1863 the United States, having the excess of prisoners, resolved to ignore all paroles of those in excess and exchange only man for man, thus nullifying the cartel of 1862, and keeping in confinement many Southern men. Deliveries made after that were the result of special agreements.

In March, 1864, Commissioner Ould, after an arrangement for exchange had been satisfactorily concluded with General Butler, received a communication from the latter stating that he "had received most emphatic verbal directions from Lieutenant-General Grant not to take another step by which another able-bodied man should be exchanged, without further orders."

Commissioner Ould adds: "Unless my recollection fails me, General Butler, also, in an address to his constituents, declared that he had been directed, in the management of the question of exchange with the Confederates, to put the matter offensively for the purpose of preventing exchange."

That his memory did not fail him is shown by an extract from one of General Butler's reports. He says: "This argument (about negro soldiers) sets forth our claims in the most offensive terms possible, consistently with the ordinary courtesy of language, for the purpose of carrying out the desire of the Lieutenant-General that no prisoners should be exchanged."

The report continues: "I had determined, with the consent of the Lieutenant-General (Grant), as a last resort to prevent exchange, to demand that the outlawry against me should be formally reversed and apologized for before I would further negotiate for the exchange of prisoners."

The Federal Government had armed negro slaves and enlisted them in its armies against their former masters. The Confederates, while making no discrimination as to nationality or color, had previously objected to exchanges including deserters and slaves; but before this time they had abandoned that position and had acceded to every demand of the Federal authorities on this subject.

"The Confederates will exchange prisoners on the basis proposed by our Government," writes Butler; and again, in the report quoted from above, speaking of naval exchanges, he says: "It will be observed that the rebels had exchanged all naval colored prisoners, so that the negro question no longer impeded the exchange; in fact, if we had demanded the exchange of all, man for man, they would have acceded."

In the conclusion of this report Butler gives his reason for making these things public, as follows: "I have felt it my duty to give an account, with this particular carefulness, of my participation in the business of exchange of prisoners, the orders under which I acted, and the negotiations attempted,

which comprises a faithful narrative of all that was done, so that all may become a matter of history. The great importance of all the questions—the fearful responsibility for the many thousands of lives which, by refusal to exchange, were sacrificed; the most cruel forms of death, by cold, starvation and pestilence, of the prison pens of Raleigh and Andersonville, being more than all the British soldiers killed in the wars of Napoleon; the anxiety of fathers, brothers, mothers, sisters, wives, to know the exigency which caused this terrible and, as it may have seemed to them, unnecessary destruction of those dear to them by horrible deaths—each and all have compelled me to this exposition, so that it may be seen that those lives were spent as a part of the system of attack on the rebellion, devised by the wisdom of the general-in-chief of the armies to destroy it by depletion, depending upon our superior numbers to win the victory at last. The loyal mourners will doubtless derive solace from this fact, and appreciate all the more highly the genius which conceived the plan and the success won at so great a cost."—*Butler's Report to the Committee on the Conduct of the War.*

Thus General Butler irrefutably fixed the responsibility for the suffering of prisoners on both sides on the Government at Washington and on General Grant. His desire to clear his already tarnished name from further obloquy led him to settle forever the question as to the person on whom rests this criminality.

We append a letter from General Grant himself, defining his position. In a dispatch to General Butler, dated City Point, August 18, 1864, he says:

"It is hard on our men held in Southern prisons not to exchange them, but it is humanity to those left in our ranks to fight our battles. Every man released on parole, or otherwise, becomes an active soldier against us at once, either directly or indirectly. If we begin a system of exchange which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those

caught, they amount to no more than dead men. At this particular time to release all rebel prisoners North would insure Sherman's defeat and would compromise our safety here."

At this time President Davis proposed to the United States Government to exchange all prisoners, officer for officer, man for man. Of this offer, which would have released every prisoner confined in the South, no notice was taken, although, as the United States held at this time an excess of prisoners, the effect would have been to release all Federals, while a large number of Confederates would have remained in Union prisons.

Another communication, containing the same proposal, was sent, on August 22, 1864, to Major-General Hitchcock, United States Commissioner of Exchange. No answer to either communication was received; but on August 31st General Hitchcock stated that he was not authorized to make an answer.

Mr. Davis adds: "Thus, having ascertained that exchanges could not be made, either on a basis of the cartel or man for man, we now offered the United States Government their sick and wounded without requiring any equivalent. On these terms we agreed to deliver from ten to fifteen thousand at the mouth of the Savannah River; and we further added that if the number for which transportation should be sent could not be readily made up from the sick and wounded, the difference should be made up with well men. Although this offer was made in the summer, transportation did not arrive until November. As sufficient sick and wounded were not then near enough to Savannah to be brought there within a reasonable time, the number was completed by the substitution or addition of five thousand well men.

"In return, some three thousand sick and wounded were delivered to us at the same place. The original rolls showed that some thirty-five hundred had started from Northern prisons and that death had reduced the number during the passage to about three thousand.

"In the summer of 1864, in consequence of certain information communicated to our commissioner, Mr. Ould, by the Surgeon of the Confederacy, as to the deficiency of medicines, Mr. Ould offered to make purchases of certain medicines from the United States authorities, to be used exclusively for the relief of Union prisoners. He offered to pay gold, cotton or tobacco for them, and even two or three prices for them, if desired. At the same time he gave assurances that the medicines would be used exclusively for the Union prisoners, as promised; and, moreover, agreed on behalf of the Confederate States, if it were insisted on, that such medicines might be brought into the Confederate lines by the United States surgeons and distributed by them. Incredible as it may appear, it is nevertheless strictly true that no reply was ever received to this offer.

"One final effort was now made to obtain an exchange. This consisted in my sending a delegation from the prisoners at Andersonville to plead their own cause before the authorities at Washington. It was of no avail. President Lincoln refused to see them. They were made to understand that the interest of the Government required that they should return to prison and remain there. They carried the sad tidings that their Government held out no hope of release. We have a letter from the wife of the secretary of that delegation (now dead), in which she says that her husband always said that he was more contemptuously treated by the Secretary of War (Stanton) than he ever was at Andersonville. Another prisoner, Henry M. Brennon, writes: 'I was at Andersonville when the delegation of prisoners spoken of by Jefferson Davis left there to plead our cause with the authorities at Washington; and nobody can tell, unless it be a shipwrecked and famished mariner who sees a vessel approaching and then passing on without rendering aid, what fond hopes were raised and how hope sickened into despair, waiting for the answer that never came. In my opinion, and of a good many others, a good part of the responsibility for the horrors of Anderson-

ville rests with U. S. Grant, who refused to allow exchanges when made.'

"Sufficient facts have been presented to satisfy every candid and intelligent mind of our entire readiness to surrender for exchange every prisoner in our possession. At any hour perfect arrangements could have been made with us for the restoration of all its prisoners held by us if the Government at Washington had consented to do so. The Vice-President of the Confederacy had volunteered to intercede for an adjustment of the difficulties regarding exchanges, the prisoners themselves had been sent in hopes of attracting notice to their sufferings, and finally it was sought through General Lee to make some arrangement. All in vain. To turn the attention of the Northern people from their part in these transactions it was found necessary to fire their hearts still more against the South. The Federal authorities, after a delay of months in sending for the sick, whom they had at last agreed to receive, asked on two occasions that some desperately wounded and very sick be sent them, and a particular request was made for some who were so seriously wounded that it was doubtful if they could survive a removal of a few miles down James River. Accordingly, some of the worst cases, contrary to the judgment of their surgeons, but in compliance with the earnest, piteous appeals of the sick prisoners themselves, were sent; and, after being delivered, they were taken to Annapolis and there photographed as specimen prisoners. The photographs at Annapolis were terrible, indeed, but the misery they portrayed was surpassed by that of the Southern men received in exchange at Savannah."

By such dishonorable methods did the Northern people seek to recruit their armies when, after four years of war, they found the South still unconquered.

Were it desired to arouse the feelings of Southern people by a *resume* of the horrors of war and prison life, records of the sufferings of Southern captives in Federal prisons and of the atrocities practiced upon them might readily be shown, before which all charges against Wirz fade into insignificance.

But such deeds and the bitterness which led to them belong to the past. As the Judge-Advocate declared in the trial of Wirz, "It is not proper that such things should be made known."

They are included in the general amnesty in which the South has long since pardoned all offenses committed against her during the War between the States, and the memory of them should not be revived.

IN CONCLUSION.

In conclusion we desire to repeat that there is no design to excite animosity because of the unhappy circumstances herein detailed, the object being merely to remove from the unfortunate Captain Wirz the obloquy that rests on his name. Incidentally, it became necessary to show that the fault of preventing exchanges was not to be attributed to the South; and we have forborne even to offset the suffering which Northern soldiers endured at the South by any harrowing accounts of the still greater sufferings which our own brothers and fathers endured at the North, in the midst of plenty.

It is sufficient for us to know that the Confederate authorities never tolerated any excesses that could bring us a blush of shame, and the chief leaders of the Southern people are held in reverence among all those who have true knowledge of their history. We trust that the name of Wirz may be likewise held free from stain, that our own people will honor him as a martyr who suffered unjustly in an era of passion and frenzy, and that in time his memory will be revered wherever fidelity and integrity are held in honor.

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Ashe, Sarah W.
The trial and death of Henry Wirz, with

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